



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

JOYCE MASSEY-SMITH, MPA •
Director, Division of Aging and Adult Services

March 1, 2019

MEMORANDUM

To: Interested Parties

From: Misty Piekaar-McWilliams, DAAS Rule-Making Coordinator

Re: Proposed Readoption of Adult Day Care Standards for Certification – 10A NCAC 06R
Proposed Readoption of Adult Day Health Standards for Certification – 10A NCAC 06S
Proposed Readoption of State Adult Day Care Funding – 10A NCAC 06T

The North Carolina Department of Health & Human Services – Division of Aging & Adult Services (“DAAS”) proposes to readopt 35 rules from 10A NCAC 06R, 06S and 06T pursuant to G.S. 150B-21.3A as part of the periodic rule review process. These proposed readopted rules pertain to adult day care programs. Substantive changes have been made to the proposed readoption rules through removal of outdated language, technical changes and incorporation of previously submitted comments.

The Social Services Commission submitted a Notice of Text form, 06R, 06S and 06T, to the Codifier of Rules, Office of Administrative Hearings, indicating DAAS’ intent to proceed with readopting the following rules:

<u>10A NCAC 06R</u>	<u>Adult Day Care Standards for Certification</u>
10A NCAC 06R .0101	Certification Requirement (Readopt)
10A NCAC 06R .0102	Corrective Action (Readopt)
10A NCAC 06R .0201	Definitions (Readopt)
10A NCAC 06R .0302	Program Goals (Readopt)
10A NCAC 06R .0304	Insurance (Readopt)
10A NCAC 06R .0305	Personnel: Centers: Homes with operator & staff (Readopt)
10A NCAC 06R .0401	General Requirements (Readopt)
10A NCAC 06R .0403	Equipment and Furnishings (Readopt)
10A NCAC 06R .0501	Planning Program Activities (Readopt)
10A NCAC 06R .0502	Nutrition (Readopt)
10A NCAC 06R .0503	Transportation (Readopt)
10A NCAC 06R .0504	Emergencies and First Aid (Readopt)
10A NCAC 06R .0506	Hours and Days of Operation (Readopt)
10A NCAC 06R .0508	Records (Readopt)
10A NCAC 06R .0509	Program Evaluation (Readopt)
10A NCAC 06R .0601	Procedure (Readopt)
10A NCAC 06R .0801	The Certificate (Readopt)
10A NCAC 06R .0802	Provisional Certificate (Readopt)

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF AGING AND ADULT SERVICES

LOCATION: 693 Palmer Drive, Taylor Hall, Raleigh, NC 27603
MAILING ADDRESS: 2101 Mail Service Center, Raleigh, NC 27699-2101
www.ncdhhs.gov • TEL: 919-855-3400 • FAX: 919-733-0443

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

10A NCAC 06R .0804	Denial or Revocation of Certificate (Readopt)
10A NCAC 06R .0806	Procedure for Appeal (Readopt)
10A NCAC 06R .0902	Policies and Procedures (Readopt)
10A NCAC 06R .0904	Enrollment – Special Care Services (Readopt)
<u>10A NCAC 06S</u>	<u>Adult Day Health Standards for Certification</u>
10A NCAC 06S .0101	Introductory Statement (Readopt)
10A NCAC 06S .0102	Definitions (Readopt)
10A NCAC 06S .0203	Staffing Pattern (Readopt)
10A NCAC 06S .0204	Staff Requirements (Readopt)
10A NCAC 06S .0301	Requirements (Readopt)
10A NCAC 06S .0302	Construction Requirements for Day Health Homes (Readopt)
10A NCAC 06S .0402	Additional Enrollment & Participation Requirements (Readopt)
10A NCAC 06S .0403	Health and Personal Care Services (Readopt)
10A NCAC 06S .0404	Transportation (Readopt)
10A NCAC 06S .0405	Emergencies and First Aid (Readopt)
10A NCAC 06S .0501	Procedure (Readopt)
10A NCAC 06S .0508	Procedure for Appeal (Readopt)
<u>10A NCAC 06T</u>	<u>State Adult Day Care Funding</u>
10A NCAC 06T .0201	Nature & Purpose of State Adult Day Care Fund (Readopt)

In accordance with G.S. 150B-21.3A(d)(2), the North Carolina Department of Health & Human Services – Division of Aging & Adult Services submitted a fiscal note to the Office of State Budget and Management (OSBM). OSBM determined that 10A NCAC 06S .0301 would have a minimal economic impact on private entities. Rules 10A NCAC 06R, 06S and 06T were approved by DHHS on February 6, 2019. Rules 10A NCAC 06R, 06S and 06T were approved by the Social Services Commission on February 7, 2019. A copy of the proposed rules which were deemed necessary with substantive changes was published in the March 1, 2019 edition of the NC Register which can be found on their website at [NC Register](#).

A public hearing on these rules will be held on March 26, 2019, at 10:00 a.m., at the North Carolina Division of Aging & Adult Services, Taylor Building, 693 Palmer Drive, Conference Room 301, Raleigh, NC 27603. The building is located in Dorothea Dix Park.

Comments may be submitted in writing or via electronic mail from March 1, 2019 through April 30, 2019, to Misty Piekaar-McWilliams, Rulemaking Coordinator, NC Division of Aging & Adult Services, 2101 Mail Service Center, Raleigh, NC 27699-2101 or misty.piekaar@dhhs.nc.gov. Comments will also be accepted in person at the public hearing. The proposed effective date of these rules is July 1, 2019.

Procedure for subjecting a proposed rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with [N.C.G.S. 150B-21.3\(b2\)](#) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in [N.C.G.S. 150B-21.3\(b1\)](#). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission.

Should you have any questions related to this memorandum, the proposed rules, or the fiscal note, please contact Misty L. Piekaar-McWilliams, Division of Aging & Adult Services Rule-Making Coordinator, by phone at (919) 855-4980 or by e-mail at misty.piekaar@dhhs.nc.gov.

cc: Joyce Massey-Smith, Director, NC DAAS
Hank Bowers, Assistant Director, NC DAAS
Kent Woodson, Budget Officer, NC DAAS
Steve Freedman, Section Chief Service Operations, NC DAAS
Glenda Artis, Adult Day Services Consultant, NC DAAS
Heather Carter, Adult Day Services Consultant, NC DAAS
Drew Pledger, Chair, Social Services Commission
Michael Becketts, Chief of Policy, Planning & Special Populations, DHHS
Paris Penny, Senior Policy Advisor, DHHS
Joel Johnson, Assistant General Counsel, DHHS
Thomas Campbell, Special Deputy Attorney General, DOJ
Rajeev Premakumar, Special Deputy Attorney General, DOJ